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16 *Settlement Class*

17 UNITED STATES DISTRICT COURT
18 SOUTHERN DISTRICT OF CALIFORNIA

19 **Patricia Connor**, Individually and on
20 Behalf of All Others Similarly Situated,

21 Plaintiff,

22 v.

23 **JPMorgan Chase Bank and**
24 **Federal National Mortgage**
25 **Association a/k/a Fannie Mae,**

26 Defendants.

Case Number: 10 CV 1284 DMS BGS

27 **DECLARATION OF JONATHAN D.**
28 **SELBIN IN SUPPORT OF PLAINTIFF'S**
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT

I, JONATHAN D. SELBIN, declare as follows:

1. I am a partner with the law firm Lief, Cabraser, Heimann & Bernstein, LLP (“LCHB”), counsel of record for Plaintiffs in this matter. I am admitted to practice before this Court and am a member in good standing of the bars of the States of California and New York, and the bar of the District of Columbia. I respectfully submit this declaration in support of Plaintiffs’ motion for final approval of the class action settlement. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration, and could testify competently to them if called upon to do so.

2. I previously detailed LCHB’s – and my – experience in litigating and settling complex and class action cases in my declaration submitted in support of preliminary approval of the Settlement, and I incorporate that information by reference here. Dkt. No. 50-6 ¶¶ 3-6; *see also id.* at ¶ 5 (noting cases in which courts have expressly praised LCHB’s (and my) work on behalf of plaintiffs and class members).

3. Together, these cases have resulted in court-approved class action settlements with a combined total recovery for class members exceeding \$2 billion in cash, plus other relief. LCHB’s experience in these cases, and my experience in particular, has provided LCHB and me with expertise in the legal, factual, management, notice, and administration issues that characterize these types of class actions.

4. LCHB has performed work on behalf of Plaintiffs in connection with the prosecution and settlement of this litigation, particularly by investigating facts related to the claims of Plaintiff Sheri L. Bywater, completing legal research related to those claims and potential defenses, drafting and filing a class action complaint involving substantially similar claims in the United States District Court for the Northern District of California, *Bywater v. JPMorgan Chase Bank, N.A. and Chase Bank USA, N.A.*, Case No. CV 11 2257 (N.D. Cal.) (“Bywater Action”), conferring with counsel for Plaintiff Patricia Connor in the above-captioned action, and participating in the negotiation of favorable settlement terms for Plaintiffs and the

1 Class.

2 5. LCHB has prosecuted the claims in this case solely on a contingent fee basis, and
3 has therefore assumed the risk that it would not receive any compensation for prosecuting these
4 claims.

5 6. All attorneys, paralegals and law clerks at LCHB are instructed to maintain
6 contemporaneous time records reflecting the time spent on this and other matters. According to
7 the firm's time records, LCHB has spent a total of 116.1 hours on this matter from the inception
8 of the case through June 13, 2012 for a lodestar of \$49,658.50. A summary report of the time
9 spent by and current hourly rates of LCHB attorneys (including partners and associates) and
10 paralegals who have worked on this case is attached hereto as Exhibit A. I supervised each of the
11 professionals listed in Exhibit A.

12 7. The time spent by LCHB prosecuting this action is reasonable. There has been no
13 unnecessary duplication of services for which LCHB now seeks compensation. Furthermore,
14 Counsel prosecuted the claims at issue efficiently and effectively, making every effort to prevent
15 the duplication of work that might have resulted from having multiple firms working on this case.

16 8. LCHB's customary hourly billing rates used to calculate the lodestar in this case
17 are also reasonable. LCHB sets its rates for attorneys and staff members based on a variety of
18 factors, including among others: the experience, skill and sophistication required for the types of
19 legal services typically performed; the rates customarily charged in similar matters; and the
20 experience, reputation and ability of the attorneys and staff members.

21 9. LCHB's rates reflect the market rates in the markets within which LCHB's
22 primary offices are located and from which this matter has been handled: San Francisco, New
23 York, and Nashville. LCHB's hourly rates are negotiated with and are paid on an hourly basis by
24 several sophisticated commercial entities, including BlackRock (f/k/a Merrill Lynch Mutual
25 Funds), and The Charles Schwab Corporation. LCHB does not bill at different rates for different
26 clients or different types of cases.

27 10. LCHB's rates used here repeatedly have been approved by federal courts in this
28 Circuit and other courts.

